

allowed.

The examiner has rejected claims 1, 3-7 and 55-60 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,520,119 to Eisenberg (hereafter "Eisenberg").

Applicant respectfully traverses the rejection.

Applicant's claimed invention, as in claims 1 and 55, is directed to an apparatus for packaging fasteners to be worn by a user. The apparatus comprises a tray having a plurality of wells or openings, each well or opening being sized to accommodate or receive the shank of a respective fastener therein, and an attachment device which secures the tray to the user. Accordingly, the invention is directed to packaging fasteners. The fasteners have a structure such that the fasteners have a shank and a shank diameter. The invention includes a tray having a plurality of wells or openings. The wells or openings are openings in the tray for the shank of the fastener.

The Eisenberg patent is directed to a fast food lap tray for use in an automobile to support and secure fast foods and their containers. The fast food lap tray comprises a tray body 12 having an upper surface 14. The upper surface 14 includes wells 24 of various sizes to hold fast food items such as a sandwich receptacle 24a, a french fry receptacle 24b, a beverage receptacle 24c and condiment

receptacles 24d. The fast food lap tray includes on its underside parallel troughs 28a and 28b sized in contour to receive one of the user's legs 34a or 34b. As discussed hereafter, the Eisenberg patent is in no way directed to or discloses an apparatus for packaging fasteners to be worn by a user.

Eisenberg does not disclose the claimed invention within the meaning of 35 U.S.C. § 102(b). A rejection for anticipation under § 102(b) requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. In re Bond, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Eisenberg does not disclose the elements of independent claims 1 and 55, including, inter alia, a tray having a plurality of wells or openings, each of the wells or openings being sized to accommodate the shank of a respective fastener. As set forth above, the claims require that the wells or openings be sized to accommodate fasteners and the fasteners have a specific structure such that they have a shank. Eisenberg does not disclose wells or openings sized to accommodate a fastener having a shank. Accordingly, applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1 and 55.

Dependent claims 3-7 and 56-60 are allowable for

the same reasons as claims 1 and 55. Further, the Eisenberg reference does not disclose the additional elements of the dependent claims. Thus, Eisenberg does not disclose a tray having a first side opposite to a second side wherein the plurality of wells comprise a first set of the wells in the first side and a second set of the wells in the second side as claimed in claim 3. Also Eisenberg does not disclose a tray having a first side opposite to a second side wherein the plurality of openings comprise a first set of the openings in the first side and a second set of the openings in the second side as claimed in claim 56. As seen above, Eisenberg does not disclose a second side having wells or openings. Rather, Eisenberg discloses a second side merely having "parallel troughs" to receive a user's leg, not the shank of a fastener.

Similarly, Eisenberg does not disclose a first set of wells being offset longitudinally with respect to a second set of wells as claimed in claim 4. Also, Eisenberg does not disclose a first set of openings being offset longitudinally with respect to a second set of openings as claimed in claim 57.

Similarly, Eisenberg does not disclose that each well is sized to hold an associated fastener by friction as claimed in claim 5. Also, Eisenberg does not disclose that

each opening is sized to hold an associated fastener by an adhesive as claimed in claim 58. Eisenberg does not disclose a tray for holding fasteners and for holding fasteners by friction or by an adhesive. Rather, Eisenberg discloses a tray for holding food items and there is no reference to holding them by friction or by an adhesive.

Similarly, Eisenberg does not disclose a well having a well diameter less than a shank diameter of the fastener as required in claim 6. Also, Eisenberg does not disclose an opening having a diameter greater than a shank diameter of the fastener as claimed in claim 59. As set forth above, Eisenberg makes no reference to fasteners, much less fasteners having a diameter less than the shank diameter of the fastener.

Similarly, Eisenberg does not disclose a well having a diameter at least as large as a shank diameter of the fastener as claimed in claim 7.

Applicant acknowledges the examiner's statement that claim 14 would be allowable if rewritten in independent form including all the limitations of the base claim. For the reasons set forth above, the base claim 1 is allowable and, therefore, applicant has not rewritten this claim in independent form.

Reconsideration and allowance of the claims is

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respectfully requested.

Respectfully submitted,

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